

Introduced by Senator Huff

(Principal coauthor: Assembly Member Irwin)

(Coauthors: Assembly Members Chávez and Lackey)

January 5, 2016

An act to amend Sections 23004 and 23005 of, and to add Sections 23003.1, 23794, 24200.7, and 25623 to, the Business and Professions Code, relating to powdered alcohol.

LEGISLATIVE COUNSEL'S DIGEST

SB 819, as introduced, Huff. Powdered alcohol.

The Alcoholic Beverage Control Act contains various provisions regulating the application for, the issuance of, the suspension of, and the conditions imposed upon alcoholic beverage licenses by the Department of Alcoholic Beverage Control. That act imposes additional regulations on the sale of alcoholic beverages and creates penalties for violations of those regulations.

This bill would prohibit the department from issuing a license to manufacture, distribute, or sell powdered alcohol, as defined, and would require the department to revoke the license of any licensee who manufactures, distributes, or sells powdered alcohol, as provided. This bill would prohibit the possession, purchase, sale, offer for sale, distribution, manufacture, or use of powdered alcohol and would make the violation of these provisions punishable as an infraction.

This bill would impose a state-mandated local program by creating a new crime.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 23003.1 is added to the Business and
2 Professions Code, to read:

3 23003.1. “Powdered alcohol” means a powdered or crystalline
4 substance that contains any amount of alcohol for either direct use
5 or reconstitution. “Powdered alcohol,” does not include “vaporized
6 alcohol” as defined in Section 25621.

7 SEC. 2. Section 23004 of the Business and Professions Code
8 is amended to read:

9 23004. “Alcoholic beverage” includes alcohol, spirits, liquor,
10 wine, beer, and every liquid or solid containing alcohol, spirits,
11 wine, or beer, and which contains one-half of 1 percent or more
12 of alcohol by volume and which is fit for beverage purposes either
13 alone or when diluted, mixed, or combined with other substances.
14 *“Alcoholic beverage” does not include “powdered alcohol,” as*
15 *defined in Section 23003.1.*

16 SEC. 3. Section 23005 of the Business and Professions Code
17 is amended to read:

18 23005. “Distilled spirits” means an alcoholic beverage obtained
19 by the distillation of fermented agricultural products, and includes
20 alcohol for beverage use, spirits of wine, whiskey, rum, brandy,
21 and gin, including all dilutions and mixtures thereof. *“Distilled*
22 *spirits” does not include “powdered alcohol,” as defined in Section*
23 *23003.1.*

24 SEC. 4. Section 23794 is added to the Business and Professions
25 Code, to read:

26 23794. A license shall not be issued to any applicant to
27 authorize the manufacture, distribution, or retail sale of powdered
28 alcohol.

29 SEC. 5. Section 24200.7 is added to the Business and
30 Professions Code, to read:

31 24200.7. The department shall revoke or suspend any license
32 if the licensee or the agent or employee of the licensee
33 manufactures, distributes, or offers for retail sale powdered alcohol.

1 SEC. 6. Section 25623 is added to the Business and Professions
2 Code, to read:

3 25623. (a) A person shall not possess, purchase, sell, offer for
4 sale, manufacture, distribute, or use powdered alcohol.

5 (b) (1) Any person who sells, offers for sale, manufactures, or
6 distributes powdered alcohol is guilty of an infraction that shall
7 be punishable by a fine of not more than five hundred dollars
8 (\$500).

9 (2) Any person who possesses, purchases, or uses powdered
10 alcohol is guilty of an infraction and subject to a fine of one
11 hundred twenty-five dollars (\$125).

12 SEC. 7. No reimbursement is required by this act pursuant to
13 Section 6 of Article XIII B of the California Constitution because
14 the only costs that may be incurred by a local agency or school
15 district will be incurred because this act creates a new crime or
16 infraction, eliminates a crime or infraction, or changes the penalty
17 for a crime or infraction, within the meaning of Section 17556 of
18 the Government Code, or changes the definition of a crime within
19 the meaning of Section 6 of Article XIII B of the California
20 Constitution.